

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

2015 DEC -9 AM 11:26

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SO. DIST. OF GA.

ROBERT ALEXANDER,

Petitioner,

v.

STATE OF GEORGIA,

Respondent.

CASE NO. CV415-032

O R D E R

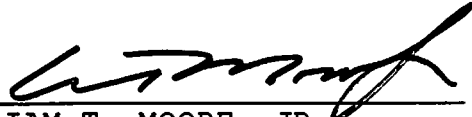
Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 3), to which an objection has been filed (Doc. 11). The Report and Recommendation concluded that Petitioner's motion for relief pursuant to 28 U.S.C. § 2254 should be denied as untimely. (Doc. 3 at 3.) Petitioner argues in his objection, however, that he is entitled to equitable tolling on the basis that he was ignorant of federal law and procedure governing § 2254 claims.<sup>1</sup> (Doc. 11 at 6.) However, ignorance of the 1-year

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<sup>1</sup> Petitioner also argues that he was delayed in timely filing because he was denied access to certain discovery materials. (Doc. 11 at 6.) Petitioner claims that he first requested the production of documents in October of 2003, but he did not receive any discovery until 2006 or 2007. Even assuming, *arguendo*, that Petitioner is correct, he has failed to provide any information explaining the nearly eight year delay between when he received the discovery and the filing of this instant motion. As a result, lack of discovery is not sufficient to grant Petitioner's request for equitable tolling.

statute of limitations for a § 2254 claim is not an excuse for failing to timely file. Outler v. United States, 485 F.3d 1273, 1283 n.4 (11th Cir. 2007) ("[P]ro se litigants, like all others, are deemed to know of the one-year statute of limitations."). Accordingly, and after a careful de novo review of the record, the Court finds Petitioner's objections without merit. The Report and Recommendation is **ADOPTED** as the Court's opinion in this case and Petitioner's 28 U.S.C. § 2254 petition is **DISMISSED**. The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 9<sup>th</sup> day of December 2015.

  
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WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA